



22W

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/816,173
Filing Date	04/01/2004
First Named Inventor	James F. Zucherman
Art Unit	3738
Examiner Name	
Attorney Docket Number	KLYC-01087US1

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
  - ☐ Petition to Convert to a Provisional Application
  - ☐ Power of Attorney, Revocation
  - ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

First Name	Fliesler Meyer LLP	Customer No. 23910
Signature		
Printed name	Melissa L. Basch	
Date	5-17-05	Reg. No. 56,159

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

M/S Amendment

Signature		
Typed or printed name	Melissa L. Basch	Date 5-17-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. KLYC-01087US1  
mbasch/KLYC-1087US1/1087us1.trans.pdf



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Zucherman, et al.

Appl. No.: 10/816,173

Confirm. No.: 7894

Filed: April 1, 2004

Title: CERVICAL INTERSPINOUS PROCESS  
DISTRACTION IMPLANT AND  
METHOD OF IMPLANTATION

PATENT APPLICATION

Art Unit: 3738

Examiner:

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to M/S Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 17, 2005.

(Attorney Signature)

Melissa L. Basch, Reg. No. 56,159

Signature Date: May 17, 2005

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: [pac/dapp/opla/preognotice/idswouscopies.htm](http://pac/dapp/opla/preognotice/idswouscopies.htm), copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign

patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

- ✓ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

- **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

***This statement should be considered because:***

- ✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

- **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.  
-- AND (check at least one of the following) --  
— (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --  
— (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).


— 37 C.F.R. §1.97(d). Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;  
— AND —
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
— AND —
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 5-17-05

By:   
Melissa L. Basch  
Reg. No. 56,159

Customer No. 23910  
FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone (415) 362-3800


— 37 C.F.R. §1.97(d). Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. ~~A duplicate copy of this authorization is enclosed.~~


Respectfully submitted,

Date: 5-17-05

By: 

Melissa L. Basch  
Reg. No. 56,159

Customer No. 23910  
FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone (415) 362-3800

Form PTO-1449 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number KLYC-01087US1		Serial/Patent Number 10/816,173	
 <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use several sheets if necessary)</p>				Applicant/Patent Owner Zucherman, et al.			
				Filing/Issue Date April 1, 2004		Group Art Unit: 3738	
<b>U.S. PATENTS</b>							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	1.	RE. 36,758	06/27/2000	Fitz	623	017	3/16/95
	2.	2,456,806	12/21/48	Wolffe	033	174	01/14/47
	3.	2,677,369	05/04/54	Knowles	128	092	03/26/52
	4.	3,426,364	02/11/69	Lumb	003	001	08/25/66
	5.	3,643,658	02/22/72	Steinemenan	128	920	08/27/69
	6.	3,648,691	03/14/72	Lumb	128	920	02/24/70
	7.	3,867,728	02/25/75	Stubstad	003	001	04/05/73
	8.	3,875,595	04/08/75	Froning	003	001	04/15/74
	9.	4,034,418	07/12/77	Jackson	003	1.911	05/11/76
	10.	4,219,015	08/26/80	Steinemenan	128	92D	04/18/78
	11.	4,309,777	01/12/82	Patil	003	1.91	11/13/80
	12.	4,349,921	09/21/82	Kuntz	003	001	06/16/80
	13.	4,369,769	01/25/83	Edwards	128	069	06/16/80
	14.	4,401,112	08/30/83	Rezaian	128	92B	10/02/81
	15.	4,455,690	06/26/84	Homsy	003	001	11/06/80
	16.	4,479,491	10/30/84	Martin	128	92B	07/26/82
	17.	4,501,269	02/26/85	Bagby	128	96G	02/21/84
	18.	B1 4,502,161	07/25/89	Wall	623	018	08/19/83
	19.	4,553,273	11/19/85	Wu	623	018	11/23/83
	20.	4,554,914	11/26/85	Kapp	128	92C	10/04/83
	21.	4,599,084	07/08/86	Nashef	623	016	05/24/83
	22.	4,599,086	07/08/86	Doty	623	017	06/07/85

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	23.	4,604,995	08/12/86	Stephens	128	069	03/30/84
	24.	4,611,582	09/16/86	Duff	128	069	12/27/83
	25.	4,636,217	01/13/87	Ogilvie	623	017	04/23/85
	26.	4,643,178	02/17/87	Nastari	128	092	04/23/84
	27.	4,657,550	04/14/87	Daher	623	017	01/16/86
	28.	4,685,447	08/11/87	Iversen	128	01R	03/25/85
	29.	4,696,290	09/29/87	Steffee	128	069	03/31/86
	30.	4,714,469	12/22/87	Kenna	623	017	02/26/87
	31.	4,743,256	05/10/88	Brantigan	623	017	01/22/87
	32.	4,772,287	09/20/88	Ray	623	017	08/20/87
	33.	4,790,303	12/13/88	Steffee	128	924M	03/11/87
	34.	4,834,757	05/30/89	Brantigan	623	017	03/28/88
	35.	4,878,915	11/07/89	Brantigan	623	017	01/04/89
	36.	4,904,260	02/27/90	Ray	623	017	07/25/88
	37.	4,904,261	02/27/90	Dove	623	017	08/04/88
	38.	4,913,134	04/03/90	Luque	128	069	07/29/88
	39.	4,923,471	05/08/90	Morgan	623	016	10/17/89
	40.	4,932,975	06/12/90	Main	623	017	10/16/89
	41.	4,936,848	06/26/90	Bagby	623	017	09/22/89
	42.	4,946,378	08/07/90	Hirayama	623	017	11/22/88
	43.	4,961,740	10/09/90	Ray	606	061	10/17/88
	44.	4,969,888	11/13/90	Scholten	606	094	02/09/89
	45.	5,011,484	04/30/91	Breard	606	061	10/10/89
	46.	5,015,247	05/14/91	Michelson	606	061	06/13/88
▼	47.	5,015,255	05/14/91	Kuslich	623	017	05/10/89

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	48.	5,026,373	06/25/91	Ray	606	061	11/06/89
	49.	5,035,716	07/30/91	Downey	623	017	05/10/90
	50.	5,047,055	09/10/91	Bao	623	017	12/21/90
	51.	5,055,104	10/08/91	Ray	606	061	11/06/89
	52.	5,059,193	10/22/91	Kuslich	606	061	04/19/90
	53.	5,059,194	10/22/91	Michelson	606	061	02/12/90
	54.	5,062,845	11/05/91	Kuslich	606	080	05/10/89
	55.	5,062,850	11/05/91	MacMillan	623	017	01/16/90
	56.	5,074,864	12/24/91	Cozad	606	054	12/21/88
	57.	5,084,049	01/28/91	Asher et al.	606	061	02/08/89
	58.	5,088,869	02/18/92	Greenslade	411	386	01/24/91
	59.	5,092,866	03/03/92	Breard	606	061	02/02/90
	60.	5,105,255	04/14/92	Shannon	357	068	01/10/90
	61.	5,122,130	06/16/92	Keller	606	061	10/25/90
	62.	5,123,926	06/23/92	Pisharodi	623	017	02/22/91
	63.	5,127,912	07/07/92	Ray	606	061	10/05/90
	64.	5,147,404	09/15/92	Downey	623	017	10/24/90
	65.	5,167,662	12/01/92	Hayes	606	061	01/24/92
	66.	5,167,665	12/01/92	McKinney	606	075	12/31/91
	67.	5,180,381	01/19/93	Aust	606	061	09/24/91
	68.	5,192,327	03/09/93	Brantigan	623	017	03/22/91
	69.	5,258,031	11/02/93	Salib	623	017	12/14/92
	70.	5,263,953	11/23/93	Bagby	606	061	12/31/91
	71.	5,275,601	01/04/94	Gogolewski	606	072	09/03/91
V	72.	5,290,312	03/01/94	Kojimoto	623	017	09/03/91



U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	73.	5,300,073	04/05/94	Ray	606	061	01/28/92
	74.	5,304,178	04/19/94	Stahurski	606	061	05/29/92
	75.	5,306,275	04/26/94	Bryan	606	061	12/31/92
	76.	5,306,309	04/26/94	Wagner	623	017	05/04/92
	77.	5,352,225	10/04/94	Yuan	606	061	01/14/93
	78.	5,366,455	11/22/94	Dove	606	061	11/02/89
	79.	5,387,213	02/07/95	Breard	606	061	08/20/93
	80.	5,390,683	02/21/95	Pisharodi	128	898	02/21/92
	81.	5,391,168	02/21/95	Sanders	606	061	04/01/93
	82.	5,395,372	03/07/95	Holt	606	061	09/07/93
	83.	5,415,661	05/16/95	Holmes	606	069	03/24/93
	84.	5,437,672	08/01/95	Alleyne	606	061	08/26/94
	85.	5,443,514	08/22/95	Steffee	623	017	10/01/93
	86.	5,454,812	10/03/95	Lin	606	061	11/14/94
	87.	5,456,722	10/10/95	McLeod	623	013	07/30/93
	88.	5,458,638	10/17/95	Kuslich	623	017	11/06/92
	89.	5,458,641	10/17/95	Ramirez Jimenez	623	017	09/08/93
	90.	5,458,643	10/17/95	Oka	623	018	02/01/94
	91.	5,468,242	11/21/95	Reisberg	606	069	11/19/93
	92.	5,470,333	11/28/95	Ray	606	061	06/10/93
	93.	5,491,882	02/20/96	Walston	029	419.1	09/13/94
	94.	5,496,318	03/05/96	Howland	606	061	08/18/93
	95.	5,505,732	04/09/96	Michelson	606	061	06/07/95
	96.	5,507,745	04/16/96	Logroscino	606	061	02/18/94
✓	97.	5,507,823	04/16/96	Walston	623	021	09/15/94

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	98.	5,514,180	05/07/96	Heggeness	623	017	01/14/94
	99.	5,527,312	06/18/96	Ray	606	061	08/19/94
	100.	5,531,747	07/02/96	Ray	606	061	05/30/95
	101.	5,534,028	07/09/96	Bao	623	017	04/20/93
	102.	5,534,029	07/09/96	Shima	623	017	12/01/93
	103.	5,540,689	07/30/96	Sanders	606	061	03/21/94
	104.	5,549,679	08/27/96	Kuslich	623	017	03/01/95
	105.	5,554,191	09/10/96	Lahille	623	017	01/23/95
	106.	5,562,736	10/08/96	Ray	623	017	10/17/94
	107.	5,571,191	11/05/96	Fitz	623	017	03/16/95
	108.	5,577,995	11/26/96	Walker	601	120	06/14/93
	109.	5,584,832	12/17/96	Schlapfer	606	061	03/15/93
	110.	5,593,409	01/14/97	Michelson	606	061	02/17/95
	111.	5,601,553	02/11/97	Trebing	606	061	10/03/94
	112.	5,603,713	02/18/97	Aust	606	061	09/29/94
	113.	5,609,634	03/11/97	Voydeville	623	017	06/30/93
	114.	5,616,142	04/01/97	Yuan	606	061	07/20/94
	115.	5,623,984	04/29/97	Nozaki	164	457	06/23/95
	116.	5,628,756	05/13/97	Barker, Jr.	606	139	07/29/96
	117.	5,645,597	07/08/97	Krapiva	623	017	12/29/95
	118.	5,645,599	07/08/97	Samani	623	017	04/22/96
	119.	5,653,761	08/05/97	Pisharodi	623	017	06/07/95
	120.	5,658,286	08/19/97	Sava	606	061	02/05/96
	121.	5,672,177	09/30/97	Seldin	606	071	01/31/96
V	122.	5,674,295	10/07/97	Ray	623	017	04/26/96

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	123.	5,674,296	10/07/97	Bryan	623	017	07/22/96
	124.	5,676,702	10/14/97	Ratron	623	017	12/01/95
	125.	5,702,455	12/30/97	Saggar	623	017	07/03/96
	126.	5,725,582	03/10/98	Bevan	623	017	08/18/93
	127.	5,741,261	04/21/98	Moskovitz	606	079	06/25/96
	128.	5,766,251	06/16/98	Koshino	623	016	11/15/96
	129.	5,766,252	06/16/98	Henry	623	017	01/24/95
	130.	5,800,438	09/01/98	Tuke	606	090	10/22/96
	131.	5,824,098	10/20/98	Stein	623	020	10/03/96
	132.	5,836,948	11/17/98	Zucherman	606	061	01/02/97
	133.	5,860,977	01/19/99	Zucherman	606	061	10/27/97
	134.	5,865,846	02/02/99	Bryan	623	017	05/15/97
	135.	5,876,402	03/02/99	Errico	606	061	03/29/96
	136.	5,876,404	03/02/99	Zucherman	606	061	08/25/98
	137.	5,879,396	03/09/99	Walston	623	021	04/25/97
	138.	5,885,299	03/23/99	Winslow	606	099	03/14/96
	139.	5,888,224	03/30/99	Beckers	627	017	09/05/97
	140.	5,888,226	03/30/99	Rogozinski	623	017	11/12/97
	141.	5,951,555	09/14/99	Rehak	606	061	03/27/96
	142.	5,976,186	11/02/99	Bao	623	017	06/25/96
	143.	6,001,130	12/14/99	Bryan	623	017	10/06/97
	144.	6,022,376	02/08/2000	Assell	623	017	03/16/98
	145.	6,030,162	02/29/2000	Huebner	411	413	12/18/98
	146.	6,045,554	04/04/2000	Grooms	606	073	06/17/98
V	147.	6,048,204	04/11/2000	Klardie	433	174	12/22/98

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	148.	6,048,342	04/11/2000	Zucherman	606	061	1027/98
	149.	6,048,344	04/11/2000	Schenk	606	073	11/17/98
	150.	6,068,630	05/30/2000	Zucherman	606	061	10/20/98
	151.	6,099,531	08/08/2000	Bonutti	606	087	08/20/98
	152.	6,113,639	09/05/2000	Ray	623	17.16	03/23/99
	153.	6,129,730	10/10/2000	Bono	606	073	02/10/99
	154.	6,132,464	10/17/2000	Martin	623	017	06/16/95
	155.	6,139,550	10/31/2000	Michelson	606	069	02/11/98
	156.	6,152,927	11/28/2000	Farris	606	069	09/20/99
	157.	6,156,067	12/05/2000	Bryan	623	17.15	05/15/97
	158.	6,190,414 B1	02/20/2001	Young	623	17.15	10/31/96
	159.	6,193,721 B1	02/27/2001	Michelson	606	070	02/11/98
	160.	6,200,322 B1	03/13/2001	Branch	606	096	08/13/99
	161.	6,206,922 B1	03/27/2001	Zdeblick	623	17.11	01/28/98
	162.	6,217,580 B1	04/17/2001	Levin	606	071	08/17/99
	163.	6,224,602 B1	05/01/2001	Hayes	606	069	10/11/99
	164.	6,224,607 B1	05/01/2001	Michelson	606	096	01/25/2000
	165.	6,228,900 B1	05/08/2001	Shen	522	153	07/08/97
	166.	6,234,705 B1	05/22/2001	Troxell	403	237	04/06/99
	167.	6,261,296 B1	07/17/2001	Aebi	606	090	10/01/99
	168.	6,293,949 B1	09/25/2001	Justis	606	061	03/01/2000
	169.	6,306,136 B1	10/23/2001	Baccelli	606	061	07/27/98
	170.	6,352,537 B1	03/05/2002	Strnad	606	061	09/17/98
	171.	6,368,351 B1	04/09/2002	Glenn	623	17.15	03/27/2001
V	172.	6,383,186 B1	05/07/2002	Michelson	606	069	09/26/2000

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	173.	6,395,030 B1	05/28/2002	Songer	623	17.11	04/27/2000
	174.	6,398,783 B1	06/04/2002	Michelson	606	070	07/17/2000
	175.	6,402,756 B1	06/11/2002	Ralph	606	071	02/15/2001
	176.	6,419,703 B1	07/16/2002	Fallin	623	17.11	03/01/2001
	177.	6,428,542 B1	08/06/2002	Michelson	606	070	07/17/2000
	178.	6,436,145 B1	08/20/2002	Miller	623	20.34	06/02/2000
	179.	6,454,771 B1	09/24/2002	Michelson	606	070	01/04/2001
	180.	6,458,131 B1	10/01/2002	Ray	606	061	08/07/2000
	181.	6,527,776 B1	03/04/2003	Michelson	606	070	07/17/2000
	182.	6,558,423 B1	05/06/2003	Michelson	623	17.11	05/05/2000
	183.	6,558,686 B1	05/06/2003	Darouiche	424	423	11/08/95
	184.	6,565,570 B2	05/20/2003	Sterett	606	069	03/14/2001
	185.	6,565,605 B2	05/20/2003	Goble	623	17.11	12/13/2000
	186.	6,579,318 B2	06/17/2003	Varga	623	17.11	06/12/2000
	187.	6,579,319 B2	06/17/2003	Goble	623	17.11	11/29/2000
	188.	6,582,437 B2	06/24/2003	Dorchak	606	90	02/22/2001
	189.	6,592,586 B1	07/15/2003	Michelson	606	071	07/17/2000
	190.	6,610,091 B1	08/26/2003	Reiley	623	17.11	10/20/2000
	191.	6,620,163 B1	09/16/2003	Michelson	606	061	07/17/2000
	192.	6,669,729 B2	12/30/2003	Chin	623	17.11	02/11/2003
	193.	6,712,852 B1	03/30/2004	Chung	623	17.11	06/30/2002
	194.	6,730,127 B2	05/04/2004	Michelson	623	17.16	07/10/2001
	195.	6,752,831 B2	06/22/2004	Sybert	623	13.17	12/08/2000
	196.	6,755,841 B2	06/29/2004	Fraser	606	99	12/07/2001
V	197.	6,761,720 B1	07/13/2004	Senegas	606	061	10/13/2000

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PP/	198.	6,783,527 B2	08/31/2004	Drewry	606	061	10/30/2001
/PP/	199.	6,800,670 B2	10/05/2004	Shen	522	153	02/26/2001
/PP/	200.	6,811,567 B2	11/02/2004	Reiley	623	17.11	02/04/2002

## U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
/PP/	201.	US2001/0012938 A1	08/09/2001	Zucherman
	202.	US2001/0018614 A1	08/30/2001	Bianchi
	203.	US2002/0004683 A1	01/10/2002	Michelson
	204.	US2002/0016595 A1	02/07/2002	Michelson
	205.	US2002/0022843 A1	02/21/2002	Michelson
	206.	US2002/0065557 A1	05/30/2002	Goble
	207.	US2002/0072800 A1	06/13/2002	Goble
	208.	US2002/0077700 A1	06/20/2002	Varga
	209.	US2002/0099376 A1	07/25/2002	Michelson
	210.	US2002/0128655 A1	09/12/2002	Michelson
	211.	US2002/0133155 A1	09/19/2002	Ferree
	212.	US2002/0151895 A1	10/17/2002	Soboleski
	213.	US2002/0183756 A1	12/05/2002	Michelson
	214.	US2002/0183757 A1	12/05/2002	Michelson
	215.	US2002/0188296 A1	12/12/2002	Michelson
	216.	US2003/0004572 A1	01/02/2003	Goble
	217.	US2003/0028250 A1	02/06/2003	Reiley
	218.	US2003/0040746 A1	02/27/2003	Mitchell
	219.	US2003/0060828 A1	03/27/2003	Michelson
↓	220.	US2003/0078668 A1	04/24/2003	Michelson

## U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
/PP/	221.	US2003/0181912 A1	09/25/2003	Michelson
	222.	US2003/0191471 A1	10/09/2003	Michelson
	223.	US2003/0191472 A1	10/09/2003	Michelson
	224.	US2003/0191532 A1	10/09/2003	Goble
	225.	US2003/0204259 A1	10/30/2003	Goble
	226.	US2004/0006391 A1	01/08/2004	Reiley
	227.	US2004/0049272 A1	03/11/2004	Reiley
	228.	US2004/0049273 A1	03/11/2004	Reiley
	229.	US2004/0049274 A1	03/11/2004	Reiley
	230.	US2004/0049275 A1	03/11/2004	Reiley
	231.	US2004/0049276 A1	03/11/2004	Reiley
	232.	US2004/0049277 A1	03/11/2004	Reiley
	233.	US2004/0049278 A1	03/11/2004	Reiley
	234.	US2004/0049281 A1	03/11/2004	Reiley
	235.	US2004/0087948 A1	05/06/2004	Suddaby
	236.	US2004/0111154 A1	06/10/2004	Reiley
	237.	US2004/0116927 A1	06/17/2004	Graf
	238.	US2004/0122427 A1	06/24/2004	Holmes
	239.	US2004/0127989 A1	07/01/2004	Dooris
	240.	US2004/0143268 A1	07/22/2004	Falahee
	241.	US2004/0181226 A1	09/16/2004	Michelson
	242.	US2004/0181229 A1	09/16/2004	Michelson
	243.	US2004/0186475 A1	09/23/2004	Falahee
	244.	US2004/0186476 A1	09/23/2004	Michelson
V	245.	US2004/0210313 A1	10/21/2004	Michelson

## U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
/PP/	246.	US2004/0210314 A1	10/21/2004	Michelson
	247.	US2004/0220678 A1	11/04/2004	Chow
	248.	US2004/0230201 A1	11/18/2004	Yuan
	249.	US2004/0230304 A1	11/18/2004	Yuan
	250.	US2004/0236334 A1	11/25/2004	Michelson
	251.	US2004/0236335 A1	11/25/2004	Michelson
	252.	US2005/0027297 A1	02/03/2005	Michelson
↓	253.	US2005/0027298 A1	02/03/2005	Michelson

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes   No
/PP/	254.	GB 780652	8-1957	Great Britain			
	255.	DE 3113142 A1	1-1982	Germany			✓
	256.	EP 140790 A2	10-1984	EPO			
	257.	EP 146347 A1	12-1984	EPO			
	258.	DE 2821678 A1	4-1980	Germany			✓
	259.	EP 322334 A1	12-1988	EPO			
	260.	FR 2623085	5-1989	France			✓
	261.	SU 1484348 A1	6-1989	Soviet Union			✓
	262.	WO 90/00037	1-1990	France			
	263.	CA 2015507	1-1991	Canada			
	264.	DE 4012622 C1	7-1991	Germany			✓
	265.	WO 91/16018	10-1991	PCT			
	266.	EP 0307241 B1	12-1992	EPO			
	267.	FR 2681525 A1	3-1993	France			✓
↓	268.	WO 94/21185	9-1994	PCT			



FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes   No	
PP/	269.	WO 94/26192	11-1994	PCT				
	270.	WO 94/26193	11-1994	PCT				
	271.	FR 2705227	11-1994	France			✓	
	272.	FR 2707864 A1	1-1995	France			✓	
	273.	FR 2717066	9-1995	France			✓	
	274.	FR 2717068	9-1995	France			✓	
	275.	FR 2717675	9-1995	France			✓	
	276.	DE 4409833	10-1995	Germany			✓	
	277.	EP 0677277 A2	10-1995	EPO				
	278.	DE 4414781	11-1995	Germany			✓	
	279.	WO 95/35067	12-1995	PCT				
	280.	FR 2722088	1-1996	France			✓	
	281.	FR 2722980 A1	2-1996	France			✓	
	282.	FR 2724554	3-1996	France			✓	
	283.	WO 96/08206 A1	3-1996	PCT				
	284.	WO 96/39975	12-1996	PCT				
	285.	EP 0767636 B1	4-1997	EPO				
	286.	JP 10-179622	7-1998	Japan			✓	
	287.	WO 98/48717	11-1998	PCT				
	288.	WO 98/55038	12-1998	PCT				
	289.	WO 99/26562	6-1999	PCT				
	290.	WO 99/40866	8-1999	PCT				
	291.	WO 99/42051	8-1999	PCT				
	292.	WO 99/56653	11-1999	PCT				
	293.	WO 99/59669	11-1999	PCT				

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes   No
/PP/	294.	FR 2780269 A1	12-1999	France			✓
	295.	WO 00/04851	2-2000	PCT			
	296.	FR 2782911 A1	3-2000	France			✓
	297.	WO 00/13619	3-2000	PCT			
	298.	WO 00/13620	3-2000	PCT			
	299.	WO 00/38582	7-2000	PCT			
	300.	WO 00/53126	9-2000	PCT			
	301.	WO 01/26566 A1	4-2001	PCT			
	302.	WO 01/28442 A1	4-2001	PCT			
	303.	FR 2806614 A1	9-2001	France			✓
	304.	FR 2806616 A1	9-2001	France			✓
	305.	DE 201 12 123 U1	09-2001	Germany			✓
	306.	EP 1138268 A1	10-2001	EPO			
	307.	WO 02/34120 A2	5-2002	PCT			
	308.	WO 02/085226 A1	10-2002	PCT			
	309.	DE 101 35 771 A1	2-2003	Germany			✓
	310.	WO 03/057055 A1	7-2003	PCT			
	311.	WO 03/101350 A1	12-2003	PCT			
	312.	WO 2004/071358 A1	8-2004	PCT			
↓	313.	WO 2004/098465 A1	11-2004	PCT	↓	↓	

## OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

/PP/	314.	Minns, R.J., et al., <i>Preliminary Design and Experimental Studies of a Novel Soft Implant for Correcting Sagittal Plane Instability in the Lumbar Spine</i> , SPINE Volume 22, Number 16, pp.1819-1825, © 1997, Lippincott-Raven Publishers
/PP/	315.	Waldemar Link brochure entitled <i>Wirbelsäulen-Chirurgie: Instrumentarium Und Implantate Zur Wirbelsäulen-Chirurgie (Spinal Surgery: Instrumentation and Implants for Spinal Surgery)</i> , Waldemar Link, Hamburg, Germany
/PP/	316.	Haruo Tsuji, et al., <i>Ceramic Interspinous Block (CISB) Assisted Anterior Interbody Fusion</i> , Journal of Spinal Disorders, Vol.3, No.1, pp.77-86, ©1990 Raven Press, Ltd., New York
/PP/	317.	Richard W. Porter, MD, FRCS, FRCSE, <i>Spinal Stenosis and Neurogenic Claudication</i> , SPINE Volume 21, Number 17, pp.2046-2052, ©1996, Lippincott-Raven Publishers

Examiner /Pedro Philogene/	Date Considered 03/26/2007
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
<hr/>	
*1 = Copy not submitted because it was submitted in prior application SN __/____, filed _____, 20____, relied on under 35 USC §120.	
*2 = Copy not submitted because it was submitted in prior application SN __/____, filed _____, 20____, relied on under 35 USC §120.	